Remarks

Reconsideration and allowance of this application, as amended, are respectfully requested.

The written description portion of the specification has been amended to describe more particularly certain elements of the invention that are depicted in the original drawing figures. Claim 14 has been amended to even more specifically define the claimed device. Claims 14-31 remain pending in the application. Claim 14 is independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

The specification has been amended for clarity at page 6. Support for the amendment is found in the original drawing figures. The "conduit 10" and the "conduit 12" elements are depicted and labeled in original drawing Figure 2.

Entry of each of the amendments is respectfully requested.

35 U.S.C. § 102(b) – Konopka

Claims 14-28, 30, and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,755,173 to Konopka et al. (hereinafter "Konopka").

The rejection of claims 14-28, 30, and 31 under § 102(b) based on Konopka is respectfully deemed to be obviated. For at

least the following reasons, the disclosure of Konopka does not anticipate Applicants' presently claimed invention.

Claim 14 has been amended to even more specifically define the claimed device. Instant claim 14 recites an embodiment of the invention in which the base element forms the walls of the fluid transfer volume. The base element includes "a fluid path that guides fluid from a fluid inlet opening to a fluid outlet communicating with a cannula, said fluid path having a fluid transfer volume such that walls of said fluid transfer volume are in contact with the fluid and such that said walls of the fluid transfer volume are at least partly formed by walls of a recess in the base element." And, claim 14 defines the septum as "being accommodated in and fixed inside said septum housing such that an internal surface of said septum forms a surface of the fluid transfer volume." Support for the instant recitation is found in the disclosure at, for example, specification pages 6 and 7, and in Figure 2.

Konopka's injection set is structurally different from Applicants' presently claimed device. The Office Action refers to Konopka's element 48 as "a septum housing" and to element 12 as "a recess," i.e., "a recess holding the central portion 48" (Office Action page 2). However, according to Konopka, element 48 is actually "a central hub portion" (column 6, line 21) and element 12 is "a holding pad" (column 5, line 37). Konopka describes element 50 as a "fluid chamber" (column 6, line 21).

Konopka simply fails to teach each of the features of Applicants' presently claimed invention. See, e.g., Konopka's Figure 2. Konopka discloses that "[f]or the embodiment shown in FIG. 2, a first septum layer 52 and a second septum layer 54 cover or enclose the top of the fluid chamber 50" and that "[a] cap 56, suitably bonded to the top portion of the central hub 48, securely holds the septum layers 52, 54 in their desired location" (column 6, lines 25-30) (emphasis added).

That is not Applicants' claimed invention. Applicants' claimed device includes, *inter alia*, the recess in the base element, the septum, and the septum housing. See, e.g., the embodiment of the invention depicted in Applicants' drawing Figure 2. The septum 4 is accommodated in and fixed inside the septum housing 3, and the septum housing 3 is accommodated in and fixed inside the recess 20 of the base element 1.

And, according to Applicants' presently claimed invention, the base element includes "a fluid path that guides fluid from a fluid inlet opening to a fluid outlet communicating with a cannula, said fluid path having a fluid transfer volume such that walls of said fluid transfer volume are in contact with the fluid and such that said walls of the fluid transfer volume are at least partly formed by walls of a recess in the base element." Furthermore, claim 14 requires that the septum be "accommodated in and fixed inside said septum housing *such that an internal surface of said septum forms a surface of the fluid transfer volume.*"

There are other differences between Konopka's injection set and Applicants' claimed infusion device. One feature of Applicants' invention is that the septum 4 is squeezed into the septum housing 31, and then the septum housing 31 is squeezed into the recess 20 and fastened in position. A common feature of all the embodiments of this invention is that a transfer volume 5 is formed between the septum/septum housing and the inner surface of the recess 20. The claimed configuration makes manufacturing of the infusion device easier than that of conventional devices, while the resulting infusion device is of a good quality. In addition, the result is an infusion device characterized by a septum and a septum housing that provide a closing surface or wall in the transfer volume 5. See, e.g., the description of the aforementioned features in the paragraph bridging specification pages 3 and 4.

In Konopka, however, the septum is placed between two parts (56, 48, Figures 4-7; 256, 248 Figure 8; or 442, 440 Figure 11), and then the joined parts are positioned in a base portion (46, 246, 346, 412). This traditional pre-joining of two parts around the septum makes the manufacturing of Konopka's product more complex.

Since Konopka does not meet each structural feature of the claimed invention, Konopka does not anticipate the invention defined by Applicants' instant claim 14. Claims 15-28, 30, and 31

are allowable because they depend, either directly or indirectly, from claim 14, and for the subject matter recited therein.

35 U.S.C. § 103(a) – Konopka

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Konopka.

The rejection of claim 29 under § 103(a) based on Konopka is also respectfully deemed to be obviated. Claim 29 depends from claim 14. Claim 14 is allowable over Konopka for at least the reasons outlined above in response to the rejection under § 102(b). Claim 29 is allowable because it depends from claim 14, and for the subject matter recited therein, i.e., that "said septum is premountable in said septum housing." The aforementioned feature makes the manufacture of the claimed device simpler and less expensive than that of conventional devices.

Furthermore, there is simply no teaching in Konopka that would have led one to modify the reference in a way that would produce the invention defined by Applicants' claim 29.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an

interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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